

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APP. NO. 10/662,534

REMARKS

Claims 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14 are amended herein. Claims 1 and 12 are canceled, without prejudice. Claim 20 is added.

Claims 2, 3, 4 and 5 are rewritten to read as independent claims incorporating all of the subject matter of the base claim, Claim 1. Also, the phrase “wherein the image forming material is a positive-type image recording material whose alkali solubility is increase by infrared exposure” is added to each of Claims 2, 3, 4 and 5.

Also in Claim 2, the definitions of R¹ and R² are amended in that the alkyl group has from 1 to 4 carbon atoms. Support for the amendment can be found on pages 21-24 of the specification.

Claim 2 is further amended to correct an error in the definition of “Q.” The definition of “Q” has been changed to “a polymethine group selected from a trimethine group, a pentamethine group, a heptamethine group, a nonamethine group, or an undecamethine group.” Applicants submit that this corrects an obvious transcription error and is fully supported by the specification on pages 21-24 and 87-88.

Claims 6-10 are amended to multiply depend from Claims 2, 3, 4 and 5.

Claim 11 is amended to further recite the subject matter of Claim 12, as well as the phrase “wherein the image forming material is a positive-type image recording material whose alkali solubility is increase by infrared exposure.”

Claims 13 and 14 are amended to depend from Claim 11.

Upon entry of the above amendment, Claims 2-11 and 13-20 will be all the claims pending in the application.

Response to the Rejection of Claims 1, 4, 6-11 and 15-19 under 35 U.S.C. § 102(b)

Claims 1, 4, 6-11 and 15-19 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by EP 1059164 A2 to Nakamura et al. ("Nakamura '164").

Nakamura '164 is relied upon as teaching an image recording material comprising (a) an acid generating compound, (b) a crosslinking agent, (c) a water insoluble, alkali-soluble high polymer compound, and (d) an infrared absorbing agent represented by formula (II). *See [0008]* of Nakamura '164.

Applicants respectfully submit, however, that Nakamura '164 fails to disclose the presently claimed invention.

With respect to Claims 2, 3, 4 and 5, as well as dependent Claims 6-10, Applicants note that the presently claimed image forming material is a positive-type image recording material whose alkali solubility is increased by infrared exposure. Also, the image forming material comprises (A) a water-insoluble high-molecular compound and (B) a specific IR coloring material.

Applicants additionally note that the specific IR coloring material has an infrared absorbing ability and a dissolution inhibitor in unexposed areas. Due to an alkali-dissociating group present in the counter anion, which is able to function effectively in exposed areas, the rapid release of the alkali dissolution inhibiting ability is achieved.

Unlike the present invention, Nakamura '164 discloses a negative-type image recording material. In addition, although Nakamura '164 discloses an infrared absorbent, the particular infrared absorbent used therein is different from the specific IR coloring material of the present

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invention. Further, the absorbent of Nakamura '164 contributes to a curing reaction upon exposure of the negative-type image recording layer.

Turning to the rejection of Claim 11, as well as dependent claims 15-19, Applicants note that the claimed image forming material is also a positive-type image recording material whose alkali solubility is increased by infrared exposure. In addition, the material comprises (A) a water-insoluble high-molecular compound and (D) a specific onium salt. The onium salt functions as a dissolution inhibitor in the positive-type image forming layer.

Applicants submit that Nakamura '164 differs from the invention of Claim 11 in that, as noted above, Nakamura '164 relates to a negative-type image recording material. Also, even though Nakamura '164 discloses an alkali-soluble high molecular compound and an onium salt, the onium salt of Nakamura '164 is different from the onium salt of the present invention. Further, the onium salt of Nakamura '164 is used as an acid generator in the negative-type image recording layer.

In view of Nakamura '164's inability to disclose all of the elements of the claimed invention, Applicants request that the § 102 rejection over Nakamura '164 be reconsidered and withdrawn.

Response to the Rejection of Claims 1-2, 6-11, 15 and 18-19 under 35 U.S.C. § 102(b)

Claims 1, 2, 6-11 and 15-19 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by EP 1093934 A1 to Nakamura et al. ("Nakamura '934").

Nakamura '934 as teaching a photosensitive composition comprising an infrared absorbing agent represented by Formula (I) and a water soluble, alkali-soluble polymer compound. *See [0009] of Nakamura '934.*

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Applicants respectfully submit, however, that Nakamura '934 fails to disclose all of the elements of the claimed invention.

With respect to Claims 2, 6, 7, 8, 9 and 10, Applicants point out that the compound represented by general formula (A) is not taught by Nakamura '934.

In the general formula (A), groups R¹ and R² are each an alkyl group having from 1 to 4 carbon atoms. Nakamura '934's general formula (I), though similar, defines groups R¹ and R² as alkyl groups having from 9 to 30 carbon atoms.

Thus, Nakamura '934 fails to anticipate the claimed invention.

Applicants also note that Nakamura '934 provides no suggestion or motivation to use an alkyl group having from 1 to 4 carbon atoms, as Nakamura '934 actually teaches that the desired effects are achieved by the alkyl groups having from 9 to 30 carbon atoms.

With respect to Claims 11, 15 and 18-19, Applicants submit that in view of Claim 11 being amended to further recite the subject matter of Claim 12, the rejection of Claims 11, 15 and 18-19 should be withdrawn.

Response to the Rejection of Claims 1-19 over 35 U.S.C. § 102(e)

Claims 1-19 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0207203 to ("Tsuchimura").

Without addressing the merits of the rejection, Applicants are submitting herewith a sworn translation of the priority applications (JP 2002-269900 and 2002-187818) for the present application, such that Tsuchimura is antedated and unable to be used against the present application.

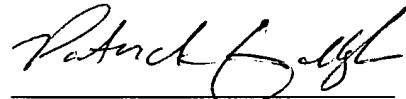
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Accordingly, Applicants request that the § 102(e) rejection be reconsidered and withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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